

Attorney Docket No: 21295.40 (H5365US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED
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Applicants: Hilmar Gugel, Joerg Bewersdorf and Stefan Hell
 Confirmation No: 8638 Customer No: 29127
 Serial No.: 09/683,713 Art Unit: 2872
 Filed: February 6, 2002 Examiner: Nguyen, Thong Q.
 For: Double Confocal Scanning Microscope

VIA FACSIMILE: 703-872-9306
 Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

OFFICIAL

RESPONSE AFTER FINAL

In response to the pending final Office Action, mailed January 20, 2004 (Paper No. 1122004), please amend the above-captioned patent application as follows:

-amendments to the claims are reflected in the listing of claims in section a);

Finally, reconsideration is requested in view of the remarks set forth in section b).

Applicants also submit a Notice of Appeal.

A one-month extension is requested for this response.

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Application No.:09/683,713
 Amendment dated: May 20, 2004
 Reply to Office Action of January 20, 2004

over Dixon under both 35 U.S.C. 102(b) and 103(a). Claim 1 should be allowed together with its dependent claims.

Claims 1, 3-4, 6, 8-12 and 14 were rejected under 35 U.S.C. 102(b), or alternatively, under 103(a) over Engelhardt (DE 199 14 049). Claims 9, 13, 15, and 16 are rejected over Engelhardt in view of Krause (U.S. 5,587,832).

Applicants respectfully disagree for the same reasons as articulated above, which are incorporated herein. Engelhard alone or in combination with Krause does not teach or suggest or mention an optical element that modifies the location of the secondary maxima of the corresponding PSF, as specifically claimed in Claim 1.

CONCLUSION

The Examiner is kindly invited to telephone the undersigned to resolve any questions to expedite the allowance of the pending Claims.

Authorization is given to charge the one month extension fee due with this response to our deposit account 502233.

Respectfully submitted,

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